

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-24 remain in the application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-2, 8-9, 12-14, 20-21, and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kamibayashi (U.S. Patent No. 7,065,648); claims 3, 5-7, 10, 15, 17-19, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamibayashi in view of Dondeti (U.S. Patent No. 6,240,188); and claims 4, 11, 16, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamibayashi in view of Dondeti and further in view of Harada (U.S. Patent No. 6,850,914). Applicant submits that claims are patentably distinguishable over the cited references.

Claim 1, for example, defines a data processing apparatus that includes:

a virtual storage device;
a first structure operable to alternatively execute the mutual authentication with said virtual storage device when the external storage device does not include a structure operable to execute the mutual authentication; and

a second structure operable to receive the data from the external storage device or to deliver the data to the external storage device when the mutual authentication with said virtual storage device is successful. (Emphasis added.)

Kamibayashi describes a licensed compliant module (LCM) that executes mutual authentication with a memory card (MC) that is external to the LCM when the memory card MC includes a medium ID and, optionally, a secret area. When the external memory card MC has neither a secret area nor a medium ID, the LCM executes mutual authentication with a recording/reproducing device (PD) that is external to the LCM.

(See Figs. 1 and 4, col.6 ll.49-65, and col.12 ll.24-33.) Kamibayashi does not disclose or suggest that an LCM includes a virtual storage device, and does not disclose or suggest that the LCM alternatively executes mutual authentication with such a virtual storage device when the external memory card MC does not include a structure operable to execute the mutual authentication, and does not disclose or suggest that the LCM receives data from or delivers data to the MC or the PD when mutual authentication with such a virtual storage device is successful.

It follows that Kamibayashi does not disclose or suggest the combination called for in claim 1 and therefore does not anticipate the claim.

Independent claims 8, 11, 12, 13, 20, 23, and 24 each include limitations similar to those set out in the above excerpt of claim 1. Therefore, each of claims 8, 11, 12, 13, 20, 23, and 24 are distinguishable over Kamibayashi for at least the same reasons. Moreover, the sections of Dondeti and Harada that are relied on by the Examiner are not concerned with mutual authentication, and therefore the relied-on sections of Dondeti and Harada do not remedy the deficiencies of Kamibayashi.

Claims 2-7 depend from claim 1, claims 9-10 depend from claim 8, claims 14-19 depend from claim 13, and claims 21-22 depend from claim 20. Therefore, each of these claims is distinguishable over the cited art for at least the same reasons as the claim from which it depends.

The Examiner also rejected claims 1, 8, 12, 13, 20, and 24 under 35 U.S.C. § 102(e) as being anticipated by Ueda (U.S. Patent No. 6,289,102); claims 2, 9, 14, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Ansell (U.S. Patent No. 6,367,019); claims 3, 5-7, 10, 15, 17-19 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Dondeti; and claims 4, 11, 16, and 23 under

35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Dondeti and further in view of Harada. Applicant submits that the claims are patentably distinguishable over the cited references.

Ueda describes an AV decoder card and an optical disk drive that carry out mutual authentication processing. When either the AV decoder card or the optical disk drive detects an error, the mutual authentication processing is regarded as having failed and subsequent procedures are cancelled. (See Figs. 14 and 26, col.22 11.9-16, col.23 11.46-58, col.24 11.44-55, and col.38 11.40-43.) Ueda does not disclose or suggest an alternative mutual authentication process that is performed when the mutual authentication between the AV decoder and the optical disk cannot be carried out.

Therefore, Ueda neither discloses nor suggests the combination called for in claim 1 and does not anticipate the claim.

As described above, independent claims 8, 11, 12, 13, 20, 23, and 24 each include limitations similar to those set out in claim 1. Therefore, each of these claims is distinguishable over Ueda for at least the same reasons. The sections of Ansell, Dondeti, and Harada do not remedy these deficiencies.

Claims 2-7, 9-10, 14-19, and 21-22 are each distinguishable over the relied-on art for at least the same reasons as the claim from which that claim depends.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested

that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 3, 2007

Respectfully submitted,

By Lawrence E. Russ
Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTBENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

718806_1.DOC